

**From:** Jerry W. Walker  
**To:** Microsoft ATR  
**Date:** 1/23/02 12:45pm  
**Subject:** Microsoft Settlement

Dear Sir or Madam,

Microsoft has been convicted of breaking antitrust laws. In breaking these laws, they've hurt hundreds of companies and thousands of employees. Worse, they've hurt the general public in pushing substandard software into a market in which nearly any other software choice, no matter how much better that software might be, pits the user against compatibility with the rest of the world.

This substandard software includes Microsoft Outlook which, despite industry knowledge of effective security measures that dates back for more than a decade, still manages to distribute computer viruses whose total damage to the US economy probably outweighs any penalty that could be imposed on Microsoft.

This is not the first time that Microsoft has been tried for such behavior. In the earlier trial, they agreed to a consent decree which they flouted. This second case comes directly from their flouting the orders of the court in the earlier case and continuing the damage to the industry and to the public that they were first charged with.

The proposed settlement does not punish Microsoft for this behavior, but rather supports their arrogant flouting of the law by pushing their substandard products into the education market with government support. Further, by specifying the "punishment" as a mandate to put so many millions of dollars of software into the schools, the court allows this criminally arrogant company to set the monetary value of their own punishment as best befits their marketing plans. They can set the value of that software at any price that pleases them.

If I were charged with assault for beating up my neighbors when they parked their cars on my street making it less convenient for me to park there, and the courts decided that to punish me they would make me paint lines anywhere I wanted on the street to mark where I would like to park, I would probably have little incentive to follow the law the next time it was inconvenient for me to do so.

The courts, we hope, provide incentives to follow the law, not vice-versa. Please reject this settlement and demand something that serves as a deterrent to Microsoft and to other corporations that choose to flout the law.

One hopes that in our democracy such companies don't obtain royal concessions for behavior that harms the populace.

Sincerely,  
Jerry W. Walker

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